

REMARKS

This is a full and timely response to the outstanding Final Office Action mailed January 2, 2004. Claims 33, 35-50, 52-55, and 57-73 presently stand rejected but remain pending in the present application. Applicant has submitted this response for the purposes of expanding on previous arguments and for narrowing the issues for appeal. Applicant has prepared a Notice of Appeal to be filed shortly hereafter. Nonetheless, reconsideration and allowance of the application and pending claims are respectfully requested.

I. Double Patenting Rejections - Obviousness-type Double Patenting

Claims 33, 35-50, 52-55 and 57-73 have been provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,233,327 in view of Karimullah (U.S. Pat. No. 5,343,493). Applicant has submitted a terminal disclaimer in compliance with 37 CFR 1.321(c), therefore obviating this rejection.

II. Claim Rejections - 35 U.S.C. §103(a)

A. Rejections based upon Petite, et al. in view of Karimullah

1. Rejection of Claims 33, 36-41, 46-50, 53-55 and 58-73

Claims 33, 36-41, 46-50, 53-55 and 58-73 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Petite, et al. ("Petite", U.S. Pat. No. 5,714,931) in view of Karimullah. Applicant respectfully traverses.

35 U.S.C. §103(c) provides for an exclusion of prior art to be used in a §103(a) rejection. Such prior art must be prior art under §102(e), §102(f), or §102(g) and must be commonly owned with the owner of the invention at the time the invention was made. The Petite patent is §102(e) art

and is commonly owned by the owner of the present invention, Statsignal Systems, Inc. Therefore, Petite should be excluded as a prior art reference in a §103(a) rejection. The effective filing date of the pending application is prior to the date of patent for the Petite patent, thus making the Petite patent §102(e) art and not §102(a) art. Further, common ownership of the Petite patent and the present application can be verified by the assignment attached hereto as Exhibit A. This assignment was recorded (7001/0587) in the parent application to the present application. As noted from the assignment document, however, the assignment conveys all right, title, and interest in all continuation and divisional applications as well, and is therefore effective for the present application.

For at least this reason alone, this rejection of claims 33, 36-41, 46-50, 53-55, and 58-73 should be withdrawn, as the remaining prior art references of this §103(a) rejection do not teach or suggest the limitations as presently recited in the claims.

2. Rejection of Claims 35, 42-45, and 52-57

Claims 35, 42-45, and 52-57 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Petite in view of Karimullah and further in view of Burnett (U.S. Pat. No. 6,067,030). Applicant respectfully traverses this rejection.

Again, 35 U.S.C. §103(c) provides for an exclusion of prior art to be used in a §103(a) rejection. Such prior art must be prior art under §102(e), §102(f), or §102(g) and must be commonly owned with the owner of the invention at the time the invention was made. Petite is §102(e) art and is commonly owned by the owner of the present invention, Statsignal Systems, Inc. Therefore, Petite should be excluded as a prior art reference in a §103(a) rejection. The effective filing date of the pending application is prior to the date of patent for the Petite patent, thus making

the Petite patent §102(e) art and not §102(a) art. Please verify common ownership by checking assignment records enclosed herewith.

For at least this reason alone, this rejection of claims 35, 42-45, and 52-57 should be withdrawn, as the remaining prior art references of this §103(a) rejection do not teach or suggest the limitations as presently recited in the claims.

B. Rejections based upon Argyoudis, et al. in view of Karimullah or Turino or Brown, Jr., et al.

1. Rejection of Claims 33, 36-41, 46-50, 53-55, 58-66, and 58-73

Claims 33, 36-41, 46-50, 53-55, 58-66 and 69-73 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Argyoudis, et al. ("Argyoudis", U.S. Pat. No. 5,748,104) in view of Karimullah or Turino (U.S. Pat. No. 5,994,892) or Brown, Jr., et al. ("Brown", U.S. Pat. No. 5,761,083).

The rejection alleges that Argyoudis discloses Applicant's invention substantially as claimed with the exception of a transceiver establishing communication with a destination location based upon a destination telephone number received by the transceiver from a low-power transmitter. The rejection concludes, however, that in view of either the Karimullah, Turino, or Brown disclosures, it would have been obvious to a person having ordinary skill in the art to incorporate the teachings of these disclosures into Argyoudis to make it possible to contact a service provider by using a destination identifier including a telephone number. Applicant respectfully disagrees with this rejection for reasons as discussed in prior responses, which are incorporated herein by reference. Applicant has taken this opportunity to expand on prior

arguments in preparation for appeal and, furthermore, to hopefully narrow the issues to be argued on appeal.

Applicant first turns to the combination of Argyoudis and Turino. The Final Office Action states that Turino “teaches a utility communication system wherein a utility means can transmit information including a telephone number to initiate a call to a central monitoring station.” Applicant respectfully disagrees with this statement.

Turino illustrates a transceiver device that communicates with a central location via a telephone line, thus making use of a modem. Utility consumption and/or servicing commands are communicated via the telephone line. Housed within the transceiver device is the modem and a microcontroller. As with most communication devices that communicate over a telephone line, the microcontroller communicates to the modem data to be sent along with the destination number of the central location. Accordingly, the modem can initiate communication with the central location via the telephone line. It is quite clear that the destination number is stored in memory within the transceiver device and not received remotely from an external transmitter that communicates with the transceiver device wirelessly. For this reason, it is abundantly clear that Turino does not teach the elements of the present invention missing from Argyoudis. Thus, this combination is invalid.

Next, Applicant turns to the combination of Argyoudis and Brown. The Final Office Action states that Brown “teaches an energy management and home automation system wherein sensors can transmit signals including a telephone number over a telephone line.” Applicant respectfully disagrees with this rejection.

The lengthy specification of Brown fails once to disclose sending a telephone number over a telephone line, in either a downstream or upstream direction. Most of the disclosure of Brown is directed toward a downstream communication from a central location to a plurality of remote

controllers configured to control a home automation system based upon the downstream communication commands. It is possible for the remote controller to communicate upstream to the central command via a telephone line. However, this is very common for any communication system that utilizes a telephone line, particularly an automation system. Brown does not teach forwarding a telephone number of the central location to the remote controller by any wireless transmitter, nor via the telephone line from the central location. One can not assume that a telephone number of the central location is forwarded to a remote controller as is the case in the presently pending claims, especially considering the lengthy disclosure in Brown explaining the contents of the communications received by the remote controllers. Thus, Applicant believes that Brown fails to teach forwarding a telephone number to a proxy-type transceiver as presently taught in the pending claims.

Now, turning to the combination of Argyoudis and Karimullah, the Final Office Action states that Karimullah “teaches a personal assistance system and method for use with a cellular communication system wherein a low power transmitter (20) can transmit a codeword which includes a telephone number of a service request provider. Furthermore, based on the destination number, a service provider can be contacted accordingly.” Applicant respectfully disagrees and thus traversed this rejection.

Karimullah does teach a remote transmitter sending a service request codeword within data to a cell-site. The cell-site processes this information and forwards to processing center 90. Processing center 90 parses the service request codeword to determine which service to contact as well as a destination number of that particular service. The destination number is then communicated back to the cell-site, where a proxy cell-phone is set-up to act as an intermediary

between remote transmitter and the service provider. Clearly, the only information regarding the central location passed to the cell-site from the remote transmitter is the service request codeword.

Figure 1 best illustrate the combined system of Argyoudis and Karimullah. Figure 2 best illustrates a simplified schematic of an exemplary system of the present invention.

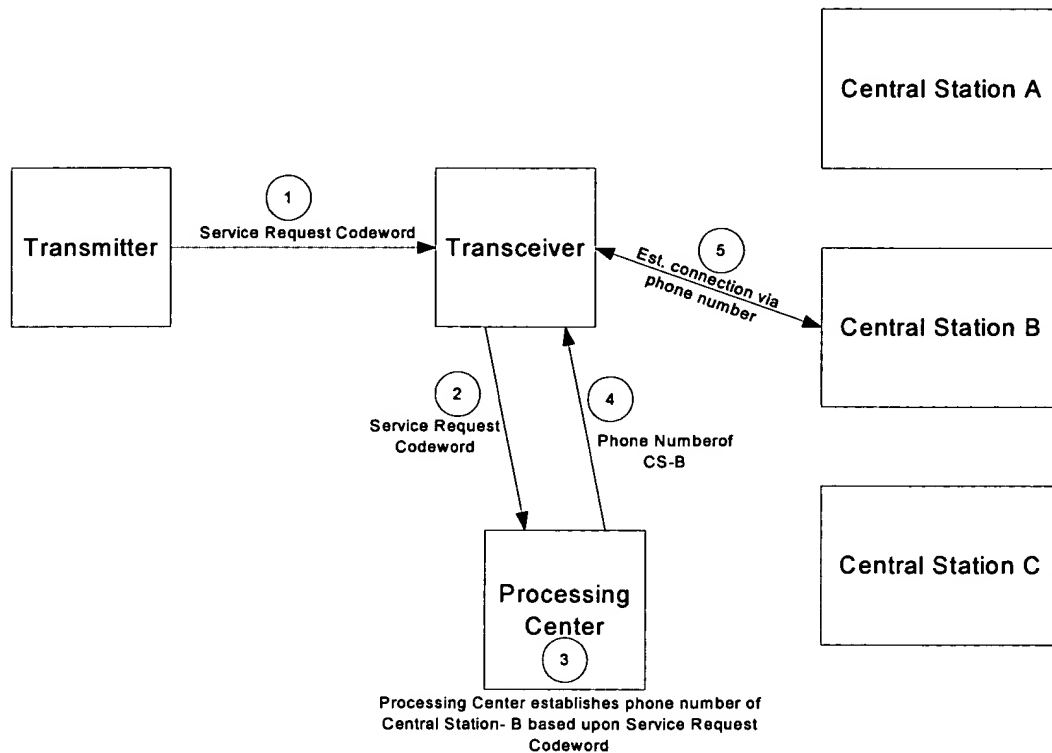


Figure 1. System of Argyoudis and Karimullah

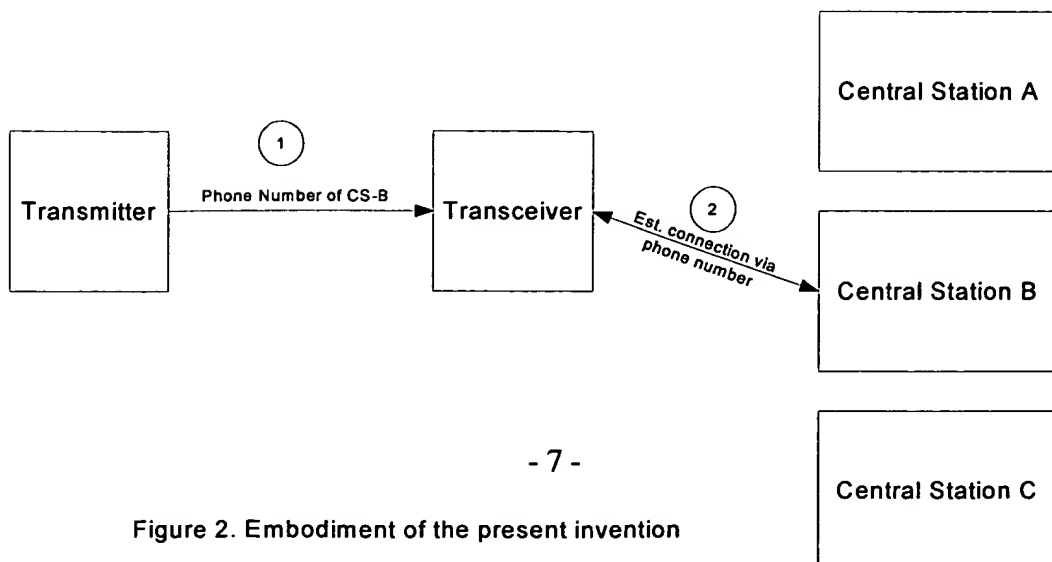


Figure 2. Embodiment of the present invention

Karimullah fails to teach, literally, a transmitter sending a telephone number to the transceiver, whereby the transceiver establishes communications with the central location via the telephone number. The Office Action states, however, that it would be obvious to send a telephone number to the transceiver, instead of sending a service request codeword, as is the case in Karimullah. For the following reasons, Applicant respectfully disagrees.

The system and devices as claimed in the present invention do not require the processing center to process a service request codeword as is necessary in Karimullah. There are significant advantages and disadvantages to not utilizing a processing center, which Applicant believes distinguishes the present invention from that of Argyoudis and Karimullah.

By directly feeding the transceiver with a phone number, the necessary time of negotiating with a processing center can be avoided. This time can be critical when considering foreseeable applications. For instance, in emergency response applications, the time necessary to negotiate with the processing center is significant. Second, for transceivers, such as public pay-phones, time of usage becomes critical should others be waiting to use the public transceivers.

The processing center is another piece of the system that requires maintenance. This is avoided in the present invention. Furthermore, the processing center offers another opportunity in a system for failure. Should the processing center and/or the communication links with the transceiver(s) fail, the entire system fails. This, too, is avoided in the present invention, and presumably results in greater quality of service (QoS). In brief, embodiments of the present invention offer a more streamlined, consistent approach.

Unfortunately, there are drawbacks to embodiments of the present invention. In particular, the present invention's distinction from Argyoudis and Karimullah requires a transmitter to send the phone number. Should a phone number need to be changed, the transmitter would have to be re-

programmed. In the case of Karimullah, the processing center can keep abreast of the phone number changes, and thus dynamically change the phone number.

In conclusion, Applicant respectfully submits that the distinctions between the embodiments of the present invention, as claimed, and the teachings of Argyoudis and Karimullah are not trivial. Thus, Applicant submits that the present claims are not patentably distinct and not obvious in light of Argyoudis and Karimullah. Notably, all pending independent claims include similar limitations as illustrated above with respect to communicating a telephone number by the transmitter to the transceiver.

2. Rejection of Claims 35, 42-45, and 52-57

Claims 35, 42-45 and 52-57 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Argyoudis in view of Karimullah or Turino or Brown and further in view of Burnett. For similar reasons as outlined above, Applicant submits that the presently pending claims are patentably distinct from and not obvious in light of any combination of Argyoudis, Karimullah, Turino, Brown, and Burnett.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 33, 35-50, 52-55, and 57-73 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on March 11, 2004.

Berinda K. Weiss
Signature